IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 28190 of 2006(E)

PETITIONER:

NARAYANAN.K., S/O.LATE KRISHNAN,
KULATHINGAL HOUSE, KIZHAKKANCHERRY,
PALAKKAD DISTRICT, NOW WORKING AS U.D.CLERK IN
CHERUKAVU GRAMA PANCHAYAT IN MALAPPURAM DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.SANTHOSH (PODUVAL)

RESPONDENTS:
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1. THE SECRETARY, LOCAL SELF GOVT.
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATS,
THIRUVANANTHAPURAM.

3. THE DIRECTOR, VIGILANCE AND
ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 28190 OF 2006 E
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Dated this the 20th November, 2006

J U D G M E N T

The petitioner is working as Upper Division Clerk in Cherukavu Grama Panchayat in Malappuram District. He was placed under suspension pending disciplinary action based on the allegation that he had committed misappropriation of public funds and other misconduct. Ext. P3 order was passed on 30-9-2006 reinstating him in service and posting him in the present place. After joining duty he filed Ext. P4 representation before the 2nd respondent to grant him transfer from Malappuram District to Palakkad District which is his native place.

2. One of the prayers made in this writ petition is to quash Ext. P3 and for a direction to the 2nd respondent to post him in Mathoor Grama Panchayat in Palakkad District.

3. I feel that the petitioner has sought for a relief, namely to quash Ext. P3, without understanding the consequences. The moment Ext. P3 gets set aside,

the suspension will revive. Probably, his idea was to challenge that part of Ext. P3 by which he was posted in Malappuram District.

4. Govt. Pleader, on instruction, submits that the request of the petitioner to post him in Palakkad District cannot be considered, at this stage, in public interest. It is contended that the disciplinary proceedings are pending and therefore Ext. P4 representation does not deserve consideration.

5. I feel that the stand taken by the respondents cannot be faulted. The writ petition is devoid of merit. Dismissed.

K.K. DENESAN
JUDGE

jan/-